

Federal Communications Commission

DA 04-1201

Before the
Federal Communications Commission
Washington, D.C. 20554

May 8 8 31 AM '04

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In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Jackson, Mississippi)

MM Docket No. 01-43
RM-10041

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: April 29, 2004

Released: May 7, 2004

By the Chief, Video Division:

1. At the request of CivCo, Inc. ("CivCo"), the Commission has before it the petition for reconsideration of the *Report and Order*, 18 FCC Rcd 19240 (2003), which dismissed CivCo's request seeking the substitution of DTV channel 9 for station WLBT-TV's assigned DTV channel 51.¹ The dismissal was premised on CivCo's lack of continuing interest in applying for DTV channel 9 at 3.2 kW ERP, as stated in the *Notice*.² CivCo now provides the requisite intention to apply for DTV channel 9 at the allotment parameters proposed in the *Notice*.

2. We believe the public interest would be served by substituting DTV channel 9 for DTV channel 51 at Jackson since it will permit WLBT to reduce the impact of its digital build-out while providing CivCo an opportunity to share analog and digital equipment. DTV channel 9 can be allotted to Jackson, Mississippi, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 32-12-49 N. and 90-22-56 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for

¹ CivCo filed a Motion for Leave to File Amendment to Petition for Reconsideration of CivCo, Inc. The amendment provided CivCo's statement reconfirming its interest, as required by Commission policy, of applying for DTV channel 9 at the technical parameters noted in the *Notice of Proposed Rule Making*, see 16 FCC Rcd 4408 (2003). CivCo's amendment was accompanied by a Motion for Leave to File an Amendment. We accept the amendment in order to permit CivCo to restate its interest in the original proposal advanced in the *Notice*.

² CivCo filed comments indicating its intention to seek authority to maximize its facilities to 20 kW ERP and in later comments it indicated 18 kW ERP. CivCo also filed a DTV Interference Agreement Between, CivCo, LibCo, licensee of station KAIT(TV), Jonesboro, Arkansas, and WTVA, licensee of station WTVA(TV), Tupelo, Mississippi. The agreement stated that CivCo, LibCo, WTVA would accept certain mutual interference among their respective digital television stations. CivCo also stated that it did not intend to apply for DTV channel 9 at the 3.2 kW ERP unless the Commission would guarantee the grant of its proposed maximized facility authorizing operation at the 18 kW ERP. In the *Report and Order*, the Commission determined that CivCo amended proposal to operate at the higher power was unacceptable for consideration due to the potential for harmful interference to station KNOE-TV, Monroe, Louisiana.

Station WLBT-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
MS Jackson	9	3.2	610	639

3. Accordingly, IT IS ORDERED, That the petition for reconsideration, as amended, filed by CivCo, Inc., IS GRANTED.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 7, 2004, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Jackson, Mississippi	9, *20, 21, 41c, 52

5. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, CivCo, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 9 in lieu of DTV Channel 51 for station WLBT-DT.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau